

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NICHOLAS PARKER, on behalf of
himself and all others similarly
situated,

Plaintiff,

v.

UNITED INDUSTRIES
CORPORATION,

Defendant.

Civil Action No. 1:17-cv-05353-GBD-HBP

**PLAINTIFF'S NOTICE OF MOTION
TO STRIKE INADMISSIBLE
EVIDENCE AND TESTIMONY**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support, Declaration of Yitzchak Kopel, and Declaration of Colin B. Weir, dated May 3, 2019, Plaintiff Nicholas Parker hereby moves before the Honorable Henry B. Pitman for an Order Striking the Declarations of Amy L. Applebum and Jennifer Stansbury (Exhibit H to the April 15, 2019 Declaration of Michael Ruttinger) (ECF No. 58), all references in Defendant's class certification opposition (ECF No. 57) to anonymous internet reviews, and the entire opinion of Dr. Denise Martin that Mr. Weir's damages models fail to take into account satisfied consumers (Exhibit C to the April 15, 2019 Declaration of Michael Ruttinger) (ECF No. 58). This motion is brought pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure and Rules 401, 402, 802, and 703 of the Federal Rules of Evidence.

Dated: May 3, 2019

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ Yitzchak Kopel
Yitzchak Kopel

Scott A. Bursor
Yitzchak Kopel
Alec M. Leslie
888 Seventh Avenue
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
E-Mail: scott@bursor.com
ykopel@bursor.com
aleslie@bursor.com

Attorneys for Plaintiff